

Title Anti-Corruption Act

Amended Date 2016.06.22

Article 1 The Act is enacted to sternly punish corruption and cleanse the officialdom.

Article 2 Public servants who violate the provisions of the Act shall be dealt with in accordance with provisions of the Act.

Article 3 The accomplices of the corrupt public servants are also dealt with in accordance with the provisions of the Act.

Article 4 Any person who has committed any of the following acts shall be punished by imprisonment for life or a term of no less than ten years and may also be punished by a fine not to exceed NT\$100,000,000:

1. Stealing or misappropriating public equipment or properties.
2. Acquiring valuables or property through the use of undue influence, blackmail, forced acquisition, forced seizure, or forced collection.

3. Inflating the prices and quantities of, or taking kickbacks from, public works or procurements under his or her charge.

4. Using government vehicles to transport contraband or carry goods for tax evasion.

5. Demanding, taking or promising to take bribes or other unlawful profits by the acts that violate the official duties.

The penalty applies to attempt offenses of Paragraphs 1-4.

Article 5

Any person who has committed any of the following acts shall be punished by imprisonment for a term of no less than seven years and may also be punished by a fine not to exceed NT\$60 million:

1. Withdrawing or withholding public funds without authorization with an intent to profit, or unlawfully collecting taxes or floating government bonds.

2. Fraudulently making others to deliver personal property or a third person's property under

cover of legal authority.

3. Demanding, taking or promising to take bribes or other unlawful profits by an act that belongs to the official duties. The penalty applies to attempt offenses of Paragraphs 1 and 2 of this article.

Article 6 Any person who has committed any of the following acts shall be punished by imprisonment for a term not less than five years and may also be punished by a fine not to exceed NT\$30 million:

1. With the intent to profit, withholding public funds or public property which should be lawfully distributed.

2. Committing malfeasance while raising funds or requisitioning land or other properties.

3. Stealing or misappropriating private property or equipment that is in his or her possession due to official position but not for official use.

4. Directly or indirectly seeking unlawful gains for oneself or for others in matters

under his charge or supervision while clearly knowing the act violates the law, the statutes or orders authorized by the law, the mandate of the position, the self-governance statute, the self-governance regulations, the rules of commission, or the code for regulating unspecified people that have the effect of the law and thereby having gained profits.

5. Using the opportunity provided by one's position or status for unlawful gains for oneself or for others in matters under his or her charge or supervision while clearly knowing the act violates the law, the statutes or orders authorized by the law, the mandate of the position, the self-governance statute, the self-governance regulations, the rules of commission, or the code for regulating unspecified people that have the effect of the law.

The penalty applies to attempt

offenses set forth in Paragraphs 1-3 of this Article.

Article 6-1 If a public servant is suspect of violating any one of the following offenses and if the prosecutor has found during the investigation that the said person, his or her spouse or their under-aged children have had inconsistent increase in property or income at the time of the commission to the offense or within three years thereafter, the suspect may be ordered to make an account of the increased property or income. If the person fails to make a account without reasonable excuse, cannot make a credible account or makes a false account, he or she shall be punished by imprisonment for a term of less than five years, detention and may also be punished by a fine not to exceed the amount of the unaccounted-for increase of property or income.

1. The crime set forth in Article 4 and the foregoing article.

2. The crimes set forth in Paragraph 1 of Article 121, Paragraphs 1-3 of Article 122, Articles 123-125, Paragraph 1 of Article 127, Articles 128-130, Paragraph 1 of Article 131, Paragraph 1 of Article 132, Article 133, Paragraph 2 of Article 231, Paragraph 3 of Article 231-1, Article 270, and Paragraph 1-5 of Article 296 in the Criminal Code.

3. The offense of Article 9 of the Organized Crime Control Act.

4. The offense provided for in Paragraph 1 of Article 10 of the Smuggling Penalty Act.

5. The offense set forth in Article 15 of the Drug Hazard Control Statute.

6. The offense of Article 36 of the Human Trafficking Act.

7. The offense set forth in Article 16 of the Weapons and Ammunition Control Statute.

8. The offense of Article 89 of the Medicinal Affairs Act.

9. The offense of covering up the offenders of the Child and Youth

Sexual Exploitation Prevention
Act .

10. Other offenses committed through the use of the power given by one's official position, the opportunities and means thereof.

Article 7 If a person who is in charge of investigation, pursuit or trial of a case commits the offense of Item 5, Paragraph 1, of Article 4 or Item 3, Paragraph 1, of Article 5, the penalty shall be increased by a half.

Article 8 If the offender of Article 4 to 6 has surrendered himself or herself and spontaneously handed over all the unlawful gains, the penalty is commuted or exempted. If this has led to the uncovering of other principal offenders or accomplices, the penalty is exempted.

If the principal offender against Articles 4-6 has confessed to crime during the investigation and surrendered all the unlawful gains, the

penalty is commuted. If this has led to the uncovering of other principal offenders or accomplices, the penalty is commuted or exempted.

Article 9 If the offenses against Articles 4-6 is committed prior to the revision and implementation of the Act, and if the offender surrenders himself within a year of the revision and implementation, the provisions of Paragraph 1 of the above-mentioned article may apply mutatis mutandis.

Article 10 For offenses prescribed in Articles 4-6, suspicious property and valuables of the offender, his/her spouse and their minor children acquired within three years of the offense shall be regarded as criminal gains if the defendant cannot prove the legality of their sources upon the request of the prosecutor during investigation or under the order of the court during the judiciary

proceedings.

Article 11 Any person who tenders a bribe or other unjust valuables, promises to give anything of value or gives anything of value to a person subject to the Act in return for that person's performing or omitting against his or her official duties shall be punished by imprisonment for a term of no more than seven years and no less than one year and may also be punished by a fine not to exceed NT\$3,000,000.

With regard to persons engaging in an act belonging to his or her duties mentioned in Article 2, such as making unlawful demands, promising or taking bribes or engaging in other malpractices for unjust gains, he or she shall be punished by imprisonment for a term of less than three years, detention, and may also be punished by a fine not to exceed NT\$500,000.

If a public servant dealing with a foreign nation, Chinese mainland, Hong Kong, Macao has

committed the acts mentioned in the foregoing two paragraphs in trade, investment or other business activities, they shall be punished in accordance with the provisions of the previous two paragraphs.

The provisions of the previous three paragraphs shall apply to persons who do not have the Paragraph 2 status if they commit the offenses of the previous two paragraphs.

The same applies to persons who do not have the Paragraph 2 status when they commit the offenses mentioned in the above-mentioned four paragraphs.

If an offense mentioned in Paragraphs 1-3 is committed outside the territory of the Republic of China, the offender will be dealt with according to the provisions of the Act regardless whether the offense is punishable or not under the law of the land where the crime is committed.

Article 12 For a person who has violated the provisions of Articles 4 through 6, the penalty shall be mitigated if the criminal proceeds or unjust gains do not exceed NT\$50,000.

This also applies to a person who has committed the offenses set forth in Paragraphs 1-4 of the preceding article if the money or property demanded, promised or delivered does not exceed NT\$50,000 dollars.

Article 12-1 (Deleted)

Article 13 The immediate superior who has actual or direct proof that a person under their supervision has committed one or more of the acts listed in the Act and has failed to expose case to the competent authorities shall be punished by imprisonment for a term less than seven years and more than one year.

The head of a government agency who has actual or direct proof that a person he or she has been commissioned to handle official

matters has committed one or more of the acts listed in the Act and has failed to expose the case to the competent authorities shall be punished by imprisonment for a term of not more than five years and not less than six months.

Article 14 If a person responsible for supervision, accounting, auditing, crime investigation, inspection, or government ethics and internal affairs has actual or direct proof of another person's corrupt acts and has failed to expose the case, he or she shall be punished by imprisonment for a term of not more than seven years and not less than one year.

Article 15 Any person subject to the Act who intentionally accepts, transports, conceals, stores or knowingly purchases property which is known to be the proceeds of any the offenses listed in Articles 4 through 6 shall be punished by imprisonment for a term of no more than seven years

and no less than one year and may also be punished by a fine not to exceed NT\$3,000,000.

Article 16 Any person who lodges a false accusation against another person for violating the provisions of the Act with an intent to subject that person to criminal penalty shall be punished by a sentence increased by one half.

A person who has fabricated facts with an intent to bring criminal penalty to another person and has then surrendered himself pursuant to the provisions of Paragraph 5 of Article 11 of the Act shall be punished by imprisonment for a term of not more than ten years and not less than three years.

The provisions of the previous two paragraphs are applicable to offenders who do not have the Paragraph 2 status.

Article 17 Any person who is sentenced to a prison term for committing any of the offenses listed in the Act

shall also be deprived of his civil rights for a certain period.

Article 18 Any person who exposes the corruption of a public servant to the competent authorities should be awarded and protected. Relevant regulations for this shall be prescribed by the Executive Yuan.

Article 19 For matters not provided for in the Act, other laws shall govern.

Article 20 The Act shall go into effect on the date of promulgation. Articles amended on May 5, 2006 shall take effect on July 1, 2006. The effective date of articles amended on March 25, 2016 shall be set by the Executive Yuan. Articles amended on May 27, 2016 shall come into force on July 1, 2016.